

The Builder.

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SOME of our correspondents express surprise that we have not given a decided opinion on the question pending between the Architect of the new Houses of Parliament and the Government, as to the amount of remuneration which he should receive for his past services, "as the general question of payment to architects so materially affects the whole profession." We need not tell our old readers, that on the general question of architects' remuneration we have repeatedly spoken, and that in our volumes will be found a considerable amount of information on the subject. We have, again and again, called the attention of the profession to the present unsettled state in which the question rests, and have shown the evils of the 5 per cent. system, as well as its advantages, and the position of architects who so make their charge, when they are obliged to go into a court of law to recover payment for their services. It seems clear that the amount of the commission, as a commission, cannot be recovered,—that simply proving to a jury that 5 per cent. is the customary charge will not suffice to insure a verdict. Evidence must be given that the sum claimed is a fair compensation for the skill and labour employed in the particular case.

In the case of Mair against Ward, it will be remembered, the plaintiff charged 5 per cent. commission on the amount expended, his travelling expenses, and two guineas a-day for the time occupied in travelling. The witnesses proved that the principle on which he claimed payment was universally acted on by the profession, and that the work done was worth the money. The jury gave the plaintiff all he went for. A new trial was demanded, on the ground that, as the "particular" claimed the money entirely in the character of a percentage, and as, according to the opinion of Lord Denman, the claim could not be allowed upon that ground, the jury, not having the power to go beyond the particular, ought to have found a verdict for the defendant. The new trial, however, was refused; the court, after deliberation, decided, that although the jury rejected the claim as grounded upon the commission, they were justified in awarding the money as a compensation for labour.*

Returning to Mr. Barry's dispute with the Government, however, and which, we may mention, still remains unsettled, the general question,—the propriety or otherwise of charging 5 per cent. on the amount expended, is not at issue. A statement of the architect's case will be found at p. 341 of our present volume, and it will be there seen that he claims

5 per cent. commission on £41,630*l.*
 17*s.* 11*d.* £42,001
 And for special or extraneous services
 during a period of ten years..... 5,256

Making in the whole..... £47,337

To this the commissioners reply, not that a commission is an improper mode of charging, or that the sum named is more than the skill and labour employed are worth,—but that

the architect had, by special agreement, abandoned the accustomed remuneration, and had accepted the fixed sum of 25,000*l.* for "the superintendence, direction, and completion of the proposed edifice," for the express purpose of avoiding what was pointed out to him as being considered by Parliament an objectionable mode of paying architects.

If an architect make an agreement, he is, of course, bound to abide by it. It might even occur that an architect would agree to do certain work for a certain sum, for the purpose of obtaining an employment for himself at the expense of another architect, who might refuse to enter into such an agreement, and it would, of course, be manifestly unjust if he were able afterwards to get rid of the agreement, and claim the usual amount of remuneration.

The question with Mr. Barry turns wholly on the agreement, but even in this light the profession generally are much interested in it,—both as to the effect which such an agreement would have in lessening professional charges generally, and as to the justice of the course pursued by the commissioners to obtain it. When the architects of the United Kingdom submitted their designs for the intended Palace of Parliament in competition, it was, of course, with the expectation that the successful competitor would be employed, and paid as other Government architects always have been paid. Mr. Barry asserts that he was appointed unconditionally to carry his design into effect, at the commencement of 1837, and expected his "remuneration would be of the customary amount," and that he was not informed that the Commissioners of Woods considered 25,000*l.* a fair and reasonable remuneration for what he was about to do, till the 1st of March, 1849, when he had made such costly arrangements to carry on the work, that he could not have relinquished the employment without a considerable sacrifice. He therefore acceded, under a protest "as to the inadequacy of the amount proposed, and with an intimation that he should offer proof of its inadequacy when the building was in such an advanced state as to allow of a competent judgment being formed on the subject." Still, he did accede, and on this the Government rest their objection. It may be said that he did wrong to accede, and there is force in the remark; but the circumstances and the temptation must be duly considered against it.

Apart from this, that Mr. Barry is fully entitled to the usual commission of 5 per cent. none will deny who know the nature of the work, and are competent to judge. Sir Jeffrey Wyatville received 5 per cent. on the amount expended at Windsor Castle, and was also paid for measuring the works; Mr. Nash received 5 per cent. for Buckingham Palace; and the superintendence of piles of warehouses and docks are paid for after the same rate.

It must be borne in mind by those who are to legislate on this matter, that the building which Mr. Barry was to see carried out for 25,000*l.* was estimated at 707,000*l.*, and that of the 842,000*l.*, using round numbers, on which the commission is now claimed, Mr. Barry says 370,000*l.* are for works which form no part of the original design and estimates. If circumstances led to, or justified a larger outlay than was at first intended,—an outlay ordered or assented to by the Government, and increased by popular approval,—it would be unreasonable to expect that the architect's payment is to remain the same. Some, it is true, plead this increased expenditure as the

fault of the architect, and far from allowing him any commission upon it, would make it a reason for lessening the sum agreed to be paid. That this is the fact has yet to be proved, Mr. Barry denying it vigorously.

The charge against architects for exceeding their estimates is as old as Augustus, and has been repeated in every succeeding century. Thus, John Evelyn, in a dedication to Wren, says:—"I have known some excellent persons abused, who, trusting to the computations of either dishonest or unskilful artists, have been forced to desist, sit down by the loss, and submit to the reproach,—This man began to build and was not able to finish. But so, it seems, would not the Greeks suffer themselves to be overreached, when those great builders, the Ephesians (who knew sufficiently what mischief it was to the public, as well as private men) ordained it for a law, that if a clerk undertook a work, and spent more than by his calculation it would amount to, he should be obliged to make it good out of his own estate; whilst they most liberally and honourably rewarded him, if either he came within what was first designed or did not much exceed it. This was esteemed so reasonable (upon consideration how many noble persons had been undone, and magnificent structures left imperfect) that Vitruvius, writing to the great Augustus concerning this subject, wishes the same law were in force at Rome also."

An architect who gives a false estimate to his employer will find no defender in us, but before condemning we must know that it really is false, and, moreover, that he was paid for making a correct one. Our views on this head we have already stated, but we shall take an early opportunity to recur to them, as we shall to the general question of architects' remuneration. The present position of the matter is most unsatisfactory and hurtful both to architecture and its professors. We are not wedded to the per centage system, we have shown many objections against it, one not the least of which is that it gives apparent ground for the calumny, that architects bring upon their employers ruinous expenses, adding useless ornaments and preposterous decorations, for the sake of increasing their own charges,—that they take a hundred pounds out of their employer's pockets that they may put five pounds into their own.

A committee of the Institute, it will be remembered, inquired into the custom of payment, and drew up a report upon it for the use of the members on special application. This, however, was an incomplete and crude document, and an unsatisfactory arrangement, and we urged that they should go more fully into the inquiry, and publish a clear and comprehensive report on it for the information of the public, and the guidance of the profession.

We are glad to be informed that they are now about to resume the question, and we shall look anxiously for the result.

THE PARIS ARCHITECTURAL EXHIBITION. —The show made by the architects in the present exhibition of works of modern art in Paris is rather better than it was in 1842. "Workmen's Towns," Hospitals for "Civil Invalids," a subject referred to four architects by General Cavaignac, when at the head of the Government; the everlasting completion of the Louvre, for which more than fifty architects have made designs since 1799; and new markets—are the principal subjects treated. The gem of the exhibition, according to Mons. A. Lance, in the *Siecle*, is a work by Mons. Jules Bouchet, entitled *Essai de Restaurations*, showing, by eight drawings, Pompeii restored.

* See vol. iii., p. 608, and vol. iv., p. 61. Also vol. vi., p. 201. And for a paper on "The Rights and Responsibilities of Architects," p. 340 of our present volume.